

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 01/01/2015

Case No. 105/4/16/2011

To

✓ SHRI SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.

21 JAN 2015

Sir/Madam,

With reference to your complaint dated 27/12/2010, I am directed to say that the matter was considered by the Commission on 04/12/2014. The Commission has made the following directions.

This case relates to the death one Mohammad Mukhtar, who died as a result of bullet hitting him during the firing exercise carried out by the Railway Protection Security Force at Chandmari Range in Katihar District of Bihar on 24.9.2010.

On consideration of various reports, the Commission issued a notice under 18 of the Protection of Human Rights Act, 1993 to the Secretary, Railway Board, New Delhi to show-cause why monetary relief be not recommended to be paid to the NOK of the deceased.

In reply to the show-cause notice, the Dy. Director/Security (Crime), Railway Government of India has informed that the very same incident was considered by the Bihar State Human Rights Commission and that the State Human Rights Commission directed payment of a sum of Rs. 2.00 lakhs as compensation to the NOK of the deceased Mohd. Akhtar. Proof of payment of the amount also has been furnished. In such circumstances, no further direction is called for from this Commission.

Accordingly, the case is closed.

This is for your information.

Yours faithfully,


DEPUTY REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 105/4/16/2011

Diary Number 155748
Name of the Complainant SUHAS CHAKMA, DIRECTOR
Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI, DELHI
Name of the Victim MOHAMMAD KUKHTAR
Address NOT AVAILABLE, KATI HAR, BIHAR
Place of Incident CHANDMARI RANGE, KATI HAR, BIHAR
Date of Incident 9/24/2010

Direction issued by the Commission

Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, New Delhi made a complaint dated 27.12.2010 to the Commission alleging that one Mohammad Mukhtar, aged thirty years, died as a result of a stray bullet hitting him during the firing exercise carried out by the Railway Protection Security Force at Chandmari Range in Katihar District of Bihar on 24.9.2010. Pursuant to the directions of the Commission, Director General, RPF, Railway Board vide communication dated 28.4.2011 reported that the Annual Range Classification firing of RPF was carried out on 24.12.2010 at BMP/Katihar Long Range. However, during the ARC firing, SP, Katihar informed at the firing range that one person had died due to bullet injury on road near L/C Gate No.KJ-3 (Mangra Gate) at KM 4/1-2 between Katihar and Purnea Station and asked to stop the firing exercise. A case No.109/2010 u/s 304A IPC was registered at P. S. Muffasil, Katihar on 24.12.2010 after the incident. The post mortem report reveals two wounds on the body of the deceased. According to the doctor the death had occurred due to haemorrhage and shock due to injuries caused by firearm. In this incident, it appears that no magisterial inquiry was ordered. District Magistrate, Katihar vide communication dated 01.9.2011 has forwarded a copy of the order dated 24.12.2010 of District Magistrate, Katihar. It is noticed from the order that Block Development Officer was directed to make payment of Rs.10,000/- under Family Welfare Scheme and Rs.1,500/- under Kabir Anteshthi Yojana to the next of kin of the deceased. The Block Development Officer was also directed to send a proposal to the concerned officer for release of widow pension to the wife of the deceased within a week. It was also proposed to award suitable compensation to the next of kin of the deceased after conclusion of the inquiry by RPF and Railway Officers. The Commission has, however, not received any compliance report on the above orders of District Magistrate, Katihar for making compensation to the next of kin of the deceased. On consideration of the various reports, we are of the view that it is a fit case for issue of notice u/s 18 of the Protection of Human Rights Act, 1993. A notice be, therefore, issued to Secretary, Railway Board, New Delhi to show cause why monetary relief be not recommended to be paid to the next of kin of deceased Mukhtiyar Hussain. Secretary, Railway Board, New Delhi shall respond to the notice within six weeks. The Commission would like to know the present status of FIR No.109/2010 P.S. Muffasil, SP, Katihar is, therefore, directed to submit the requisite information within four weeks. It appears that the Railways and the Railway Protection Force had ordered an inquiry into the incident. Secretary, Railways Board, New Delhi and Director General, RPF may also be directed to furnish within four weeks copies of the reports of the inquiries conducted by them.

Action Taken

Status on 5/19/2014

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

Tel.No. 24651330 Fax No. 24651329 E-Mail: covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

फोन नं. 24651330 फैक्स नं. 24651329 ई-मेल : covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

Disclaimer: Neither NHRC nor NIC is responsible for any inadvertent error that may have crept in the information being published on NET.

अस्वीकरण : अंत पर एकाधिकृत सचता में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।